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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,716	02/13/2002	Richard L. Biller	300 P002	6778

7590 05/17/2005

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EXAMINER

GEHMAN, BRYON P

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,716

Applicant(s)

BILLER, RICHARD L.

Examiner

Bryon P. Gehman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
 4a) Of the above claim(s) 7-12, 22-25, 37-42, 48-52 and 55 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-6, 13-21, 26-36, 43-47, 53-54 and 56-58 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

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1. The Notice of Abandonment mailed April 2, 2005 has been rescinded in view of applicant's response filed April 9, 2004, the Notice of Abandonment being prematurely sent by Office error.
2. Claims 1-6, 13-21, 27-36, 43-47 and 53-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 5, "said scratch-off material" is indefinite, as such comprises only the adjectives defining the "scratch-off material layer" of line 4. Accordingly, the second instance should also be "said scratch-off material layer". See also claims 13 and 29, line 7 of each.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-3, 5-6, 13-15, 17-18, 29-31 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Ramsburg et al. (5,667,247), Chess (6,305,717) and Malone (6,640,974) in view of Hinkle (5,735,550). Ramsburg et al., Chess and Malone each disclose a card package assembly comprising a carrier (41; 11; 28; respectively), a card (10; 26 or 27; 56) having account-related indicia thereon, the back surface of the card adhered to the front surface of the carrier via a dry-release

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adhesive (column 4, lines 26-40; column 6, lines 23-43; column 6, lines 27-47). Hinkle discloses indicia (20) on a card concealed by a scratch-off material layer (22). To modify any one of Ramsburg et al., Chess and Malone employing the scratch-off material layer teaching of Hinkle would have been obvious in order to prevent illicit use of the card, as suggested by Hinkle.

As to claims 2-3 and 14-15, dry release adhesive is employed broadly as claimed, the adhesive not being moist.

As to claims 5 and 17, a display hole (34, 36) is disclosed by Malone.

5. Claims 29-31, 35-36 and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egan (4,544,590) in view of any one of Ramsburg et al., Chess and Malone, and further in view of Hinkle. Egan discloses a card package assembly comprising a carrier (52), a card (57) having account-related indicia thereon, a label (2), the back surface of the card adhered to the front surface of the carrier. Ramsburg et al., Chess and Malone each disclose a card package assembly comprising a carrier (41; 11; 28; respectively), a card (10; 26 or 27; 56) having account-related indicia thereon, the back surface of the card adhered to the front surface of the carrier via a dry-release adhesive (column 4, lines 26-40; column 6, lines 23-43; column 6, lines 27-47). To modify the carrier of Egan employing the dry-release adhesive of any one of Ramsburg et al., Chess and Malone would have been an obvious substitution of adhesive recognized within the field of endeavor. Hinkle discloses indicia (20) on a card concealed by a scratch-off material layer (22). To modify Egan employing the scratch-

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off material layer teaching of Hinkle would have been obvious in order to prevent illicit use of the card, as suggested by Hinkle.

As to claims 30-31 and 57, dry release adhesive (58) is employed broadly as claimed.

As to claim 35, Malone discloses a display hole (35, 36).

6. Claims 5, 17 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art not including Malone as applied to claims 1, 13 and 29 above, and further in view of Malone. To employ a display hole as suggested by Malone would have been obvious in order to render the carrier displayable on a post.

7. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 13 above, and further in view of Klure (6,328,341). Klure discloses a card (12a) with an exposable back surface (via 18). To modify the prior art further employing the exposable back surface arrangement of Klure would have been obvious in order to easily obtain information from both sides of the card.

8. Claims 4, 16, 26-28, 32-34, 43-47 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 13 and 29 above, and further in view of Grotzner et al. (6,358,607). Disclosed is a card assembly including information (2) disposed so as to be visible through a transparent layer (3). To further modify the assembly of the prior art employing the teaching of Grotzner et al. would

have been obvious in order to protect the information from ambient damage if it were not covered.

1. Applicant's arguments filed March 31, 2005 have been fully considered but they are not persuasive. It is not seen that the dry adhesives of any one of the prior art will not act inherently in the same manner as described by applicant, that is fail to allow a card to be re-attached thereto. While not expressly stated, Ramsburg et al., Chess and Malone each disclose adhesive that is dry and releases the card from the carrier. The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

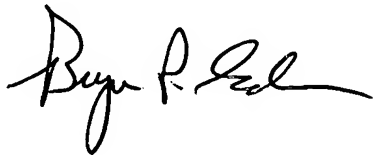
10. This action is made non-final in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with the first name "Bryon" being more prominent.

Bryon P. Gehman
Primary Examiner
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BPG